



U.S. Department of Justice

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February 15, 2024

By ECF

Honorable Eric R. Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Joshua Adam Schulte v. Warden of MDC,*
Civ. No. 22-cv-766 (Komitee, J.)

Dear Judge Komitee:

This Office represents Respondent Warden of the Metropolitan Detention Center, Brooklyn ("MDC Brooklyn") in the above-referenced action in which Petitioner Joshua Adam Schulte, who was formerly incarcerated at MDC Brooklyn, filed a habeas corpus petition ("Petition") pursuant to 28 U.S.C. § 2241 regarding his conditions of confinement at MDC Brooklyn. ECF No. 1. Respondent respectfully writes to inform the Court that Petitioner is no longer in the custody of MDC Brooklyn, and respectfully submits that this action is now moot.

For background, on February 1, 2024, Petitioner was sentenced to a total term of 480 months of imprisonment on multiple felony counts. *See* Judgment in a Criminal Case, *United States v. Schulte*, No. 17 Cr. 548 (S.D.N.Y. Feb. 5, 2024), ECF No. 1124. This Office was recently informed by MDC Brooklyn's Legal Department that Petitioner was designated to U.S. Penitentiary, Administrative Maximum Facility in Florence, Colorado ("USP Florence ADMAX"), and left MDC Brooklyn on February 14, 2024 to be transported to USP Florence ADMAX.

As Petitioner is no longer in the custody of MDC Brooklyn, Respondent respectfully submits that Petitioner's § 2241 challenge to his conditions of confinement has been rendered moot. *See, e.g., Smith v. Hallett*, No. 20-cv-2598, 2023 WL 5153520, at *2 (E.D.N.Y. Aug. 10, 2023) (Komitee, J.) ("The grounds upon which [the petitioner] seeks habeas relief are now moot. . . . [A] 'challenge to conditions of confinement will be considered moot where the petitioner has been transferred to a different facility.'") (quoting *Razzoli v. Strada*, No. 10-cv-4802, 2013 WL 837277, at *2 (E.D.N.Y. Mar. 6, 2013) (Amon, J.)) (citing *Thompson v. Choinski*, 525 F.3d 205, 209 (2d Cir. 2008)).

Respondent thanks the Court for its consideration of this matter.

Respectfully submitted,

BREON PEACE
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cc: **By ECF**
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